

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re TERRORIST ATTACKS on  
SEPTEMBER 11, 2001

03 MDL 1570 (RCC)  
ECF Case

*This document relates to:*

*Thomas Burnett v. Al Baraka Inv. & Dev. Corp.*, 03 CV 9849 (RCC)

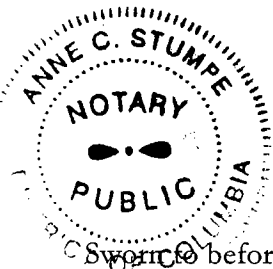
*Kathleen Ashton v. Al Qaeda Islamic Army*, 02 CV 6977 (RCC)

**AFFIDAVIT OF MITCHELL R. BERGER**

1. I am a member of the law firm of Patton Boggs LLP, attorneys for Defendant The National Commercial Bank ("NCB") and am a member of the bar of this Court. I respectfully submit this Affidavit in support of NCB's Response to the Supplemental Affidavits of David K. Draper and John Fawcett. This Affidavit is based upon personal knowledge of the facts set forth herein.

2. Exhibit 1 is a certified copy of the English translation of the Second Supplemental Affidavit of Abdullah bin Hamad Al-Wohaibi (together with the Arabic original of the Second Supplemental Affidavit), dated October 5, 2004.

3. Exhibit 2 is a true and correct copy of the Declaration of Abdulaziz Al-Fahad and accompanying exhibits (together with true and correct copies of the Arabic originals of the accompanying exhibits), dated October 4, 2004.



Sworn to before me this 7<sup>th</sup> day of  
October 2004

Anne C. Stumpe  
Notary Public

Mitchell R. Berger  
Mitchell R. Berger

Anne C. Stumpe  
Notary Public, District of Columbia  
My Commission Expires 12-14-2006